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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Khalid **Alwafi** (Saudi Arabia)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-items 64 (c) and (e) at its 20th to 31st meetings, from 22 to 24 and from 27 to 30 October 2008, and took action on sub-item (b) at its 35th, 38th, 39th, 41st to 44th and 46th to 48th meetings, on 4, 5, 11, 18, 20, 21, 24, 25 November 2008. An account of the Committee's consideration is contained in the relevant summary records (A/C.3/63/SR.21-31, 35, 38, 39, 41 to 44 and 46 to 48).

3. For the documents before the Committee under this sub-item, see A/63/430.

4. At the 20th meeting, on 22 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), Benin, Lebanon, Canada, China, Egypt, Liechtenstein, Chile, the Sudan, Argentina, the Russian Federation, New Zealand, Thailand, Australia, the United States of America, Colombia, Pakistan, the Syrian

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Arab Republic, Algeria, Switzerland, Malaysia, the United Kingdom of Great Britain and Northern Ireland, Iran (Islamic Republic of) and Cuba (see A/C.3/63/SR.20).

5. At the same meeting, the Special Adviser to the Secretary-General made a statement and engaged in a dialogue with the representatives of Myanmar, Indonesia, Liechtenstein and Thailand (see A/C.3/63/SR.20).

6. At the 21st meeting, on 22 October, the Special Rapporteur on freedom of religion or belief made a presentation and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), the United States, Greece, Indonesia, Canada, Israel, Denmark, the Netherlands, Lebanon and Iran (Islamic Republic of), as well as with the observer for Palestine (see A/C.3/63/SR.21).

7. At the same meeting, the Special Rapporteur on the promotion and protection of human rights while countering terrorism made a presentation and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland, the Gambia, the United States, Denmark, Spain, Cuba, Mexico, Turkey, Algeria, Liechtenstein and Pakistan (see A/C.3/63/SR.21).

8. Also at the 21st meeting, the Independent Expert on the question of human rights and extreme poverty made a presentation and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), Chile, Indonesia, Switzerland, Brazil, Guatemala, Venezuela (Bolivarian Republic of), Cameroon and Peru (see A/C.3/63/SR.21).

9. At the 22nd meeting, on 23 October, the Special Rapporteur on the situation of human rights in Myanmar made a presentation and engaged in a dialogue with the representatives of Myanmar, Argentina, Canada, the United Kingdom, New Zealand, Japan, Australia, France (on behalf of the States Members of the United Nations that are members of the European Union), the United States, the Czech Republic and Thailand (see A/C.3/63/SR.22).

10. At the same meeting, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a presentation and engaged in a dialogue with the representatives of the United Kingdom, Canada, the Republic of Korea, Japan, the United States, the Czech Republic, the Democratic People's Republic of Korea and France (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/63/SR.22).

11. Also at its 22nd meeting, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a presentation and engaged in a dialogue with the representatives of Israel, Lebanon, France (on behalf of the States Members of the United Nations that are members of the European Union), Indonesia, South Africa, the Syrian Arab Republic, Cuba and the Sudan, as well as with the observer for Palestine (see A/C.3/63/SR.22).

12. At the 23rd meeting, on 23 October, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment made a presentation and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), the

United States, Uruguay, Thailand, Switzerland, Denmark, Norway, Nigeria, Singapore and Mongolia (see A/C.3/63/SR.23).

13. At the same meeting, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living made a presentation and engaged in a dialogue with the representatives of Cuba, France (on behalf of the States Members of the United Nations that are members of the European Union), Thailand, China and Brazil (see A/C.3/63/SR.23).

14. At the 24th meeting, on 24 October, the Special Rapporteur on violence against women, its causes and consequences made a presentation and engaged in a dialogue with the representatives of Chile, France (on behalf of the States Members of the United Nations that are members of the European Union), Lebanon, Canada, Brazil, New Zealand, the United Kingdom, Norway and Cameroon (see A/C.3/63/SR.24).

15. At the same meeting, the Special Rapporteur on the situation of human rights defenders made a presentation and engaged in a dialogue with the representatives of Ghana, France (on behalf of the States Members of the United Nations that are members of the European Union), Canada, the United States, Thailand, the Russian Federation, Norway, the United Kingdom, New Zealand, Myanmar and Iran (Islamic Republic of), as well as with the observer for Palestine (see A/C.3/63/SR.24).

16. Also at the 24th meeting, the Special Rapporteur on the independence of judges and lawyers made a presentation and engaged in a dialogue with the representatives of the Maldives, Switzerland, Brazil, the United States, Argentina, Iraq, the Sudan, France (on behalf of the States Members of the United Nations that are members of the European Union), the Netherlands, Cuba, Fiji and Rwanda (see A/C.3/63/SR.24).

17. At the 25th meeting, on 24 October, the Special Rapporteur on extrajudicial, summary or arbitrary executions made a presentation and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), Brazil, the United States, Canada, Malaysia, Colombia, the Sudan, Iran (Islamic Republic of) and Guinea-Bissau, as well as with the observer for Palestine (see A/C.3/63/SR.25).

18. At the same meeting, the Special Rapporteur on the right to education made a presentation and engaged in a dialogue with the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), Qatar, Iran (Islamic Republic of), Burundi and Nicaragua (see A/C.3/63/SR.25).

19. At the 26th meeting, on 27 October, the Chairperson and Rapporteur of the Working Group on the Right to Development made a presentation and engaged in a dialogue with the representatives of Cuba, the Sudan, the United States and Brazil (see A/C.3/63/SR.26).

20. At the same meeting, the Special Rapporteur on the right to food made a presentation and engaged in a dialogue with the representatives of Malaysia, France (on behalf of the States Members of the United Nations that are members of the European Union), Cuba, China, Venezuela (Bolivarian Republic of), the United States, Switzerland, Brazil, the United Kingdom, Ireland and Belgium, as well as with the observer for Palestine (see A/C.3/63/SR.26).

21. Also at the 26th meeting, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights made a presentation and engaged in a dialogue with the representatives of Cuba, the United States, China and Kuwait (see A/C.3/63/SR.26).

22. At the 27th meeting, on 27 October, the representative of the Secretary-General on the human rights of internally displaced persons made a presentation and engaged in a dialogue with the representatives of Switzerland, Canada, France, Burundi, Azerbaijan, Kenya and Sri Lanka (see A/C.3/63/SR.27).

23. At the same meeting, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health made a presentation and engaged in a dialogue with the representatives of Canada, the United States, Brazil, France and New Zealand (see A/C.3/63/SR.27).

24. Also at the 27th meeting, the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises made a presentation and engaged in a dialogue with the representatives of Norway, the United States, France and Canada (see A/C.3/63/SR.27).

II. Consideration of proposals

A. Draft resolution A/C.3/63/L.19/Rev.1 and amendments thereto contained in documents A/C.3/63/L.62 to L.68

25. At the 39th meeting, on 11 November, the representative of Angola, on behalf of Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cape Verde, Chile, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, the Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, the Netherlands, New Zealand, Norway, Panama, Paraguay, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu, introduced a draft resolution (A/C.3/63/L.19/Rev.1) entitled "Moratorium on the use of the death penalty". Subsequently, the Dominican Republic, Kyrgyzstan, Nicaragua, Palau, South Africa and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

26. At the 41st meeting, on 18 November, statements on the draft resolution were made by the representatives of Chile, Uganda (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference), Singapore, Jamaica, the Sudan, Egypt, the Libyan Arab Jamahiriya, the Syrian Arab Republic and China (see A/C.3/63/SR.41).

Action on amendments to draft resolution A/C.3/63/L.19/Rev.1 contained in documents A/C.3/63/L.62 to L.68

27. Also at its 41st meeting, the Committee took the following action on proposed amendments to draft resolution A/C.3/63/L.19/Rev.1, which were submitted in documents A/C.3/63/L.62 to L.68.

Amendment contained in document A/C.3/63/L.62

28. The representative of Egypt presented the amendment contained in A/C.3/63/L.62, which was sponsored by Antigua and Barbuda, the Bahamas, Bahrain, Bangladesh, Barbados, Botswana, Brunei Darussalam, China, Comoros, the Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Grenada, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Nigeria, Oman, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Uganda, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe. The amendment called for a new preambular paragraph to be inserted before the first preambular paragraph, reading:

> "*Guided* by the purposes and principles contained in the Charter of the United Nations, and recalling in particular, Article 2, paragraph 7, which clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State,"

29. Statements were made by the representatives of Barbados, Singapore, China, Malaysia, Timor-Leste, the former Yugoslav Republic of Macedonia, New Zealand, Swaziland, Mexico, Costa Rica and Angola (see A/C.3/63/SR.41).

30. The Committee rejected the proposed amendment contained in document A/C.3/63/L.62 by a recorded vote of 81 to 67, with 23 abstentions. The voting was as follows:[1]

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Botswana, Brunei Darussalam, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Namibia,[2] Nicaragua, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

[1] The delegation of Belize subsequently stated that, had it been present during the vote, it would have voted in favour of the amendment.

[2] The delegation of Namibia subsequently indicated that it had meant to vote against the amendment, not in favour.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Algeria, Benin, Cambodia, Côte d'Ivoire, Equatorial Guinea, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Suriname, United Republic of Tanzania, United States of America, Zambia.

31. After the vote, the representative of Colombia made a statement (see A/C.3/63/SR.41).

Amendment contained in document A/C.3/63/L.63

32. The representative of Barbados presented the amendment contained in A/C.3/63/L.63, which was sponsored by Antigua and Barbuda, the Bahamas, Bahrain, Bangladesh, Barbados, Botswana, China, the Comoros, the Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Grenada, Guyana, Indonesia, Iran (Islamic Republic of), Kuwait, the Libyan Arab Jamahiriya, Malaysia, Nigeria, Oman, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Uganda, the United Arab Emirates and Yemen.

33. The amendment called for the replacement, in the first preambular paragraph, of the word "*Reaffirming*" by the word "*Recalling*".

34. Statements were made by the representatives of Malaysia, Albania, Singapore, Gabon and the United Kingdom (see A/C.3/63/SR.41).

35. The Committee rejected the proposed amendment contained in document A/C.3/63/L.63 by a recorded vote of 87 to 60, with 22 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands,

Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Djibouti, Equatorial Guinea, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, United Republic of Tanzania, Zambia.

Amendment contained in document A/C.3/63/L.64

36. The representative of Egypt presented the amendment contained in A/C.3/63/L.64, which was sponsored by Antigua and Barbuda, the Bahamas, Bahrain, Bangladesh, Barbados, Botswana, China, Comoros, the Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Grenada, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, the Libyan Arab Jamahiriya, Nigeria, Oman, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Uganda, the United Arab Emirates, Yemen and Zimbabwe. The amendment called for the insertion, in the first preambular paragraph, of the phrase "and document A/62/658" after the words "its resolution 62/149".

37. Statements were made by the representatives of the Federated States of Micronesia, Spain, Switzerland and Croatia (see A/C.3/63/SR.41).

38. The Committee rejected the proposed amendment contained in document A/C.3/63/L.64 by a recorded vote of 87 to 57, with 22 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman,

Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Congo, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Sri Lanka, United Republic of Tanzania, Zambia.

Amendment contained in document A/C.3/63/L.65

39. The representative of Singapore presented the amendment contained in document A/C.3/63/L.65, which was sponsored by Antigua and Barbuda, the Bahamas, Bahrain, Bangladesh, Barbados, Botswana, China, the Democratic People's Republic of Korea, Dominica, Egypt, Grenada, Guyana, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Malaysia, Myanmar, Nigeria, Oman, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Uganda and Yemen. The amendment called for the replacement of the second preambular paragraph with the following text:

> "*Noting* the decisions taken by an increasing number of States to apply a moratorium on executions, or to restrict the application of the death penalty to the most serious crimes,"

40. Statements were made by the representatives of Italy, Malaysia, Egypt and Montenegro (see A/C.3/63/SR.41).

41. The Committee rejected the proposed amendment contained in document A/C.3/63/L.65 by a recorded vote of 86 to 59, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba,

Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Congo, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

Amendment contained in document A/C.3/63/L.66

42. The representative of Botswana presented the amendment contained in document A/C.3/63/L.66, which was sponsored by Antigua and Barbuda, the Bahamas, Bahrain, Bangladesh, Barbados, Botswana, Brunei Darussalam, China, the Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Grenada, Guyana, Indonesia, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Myanmar, Nigeria, Oman, Qatar, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, the Sudan, Trinidad and Tobago, Uganda, the United Arab Emirates, Viet Nam and Yemen. The amendment called for the insertion of a new paragraph before operative paragraph 1, which would read:

> "*Reaffirms* the sovereign right of States to determine the legal measures and penalties which are appropriate to their societies, in accordance with international law."

43. Statements were made by the representatives of Singapore, Barbados, Burundi, France and Argentina (see A/C.3/63/SR.41).

44. The Committee rejected the proposed amendment contained in document A/C.3/63/L.66 by a recorded vote of 87 to 62, with 20 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Congo, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Suriname, United Republic of Tanzania, United States of America, Zambia.

Amendment contained in document A/C.3/63/L.67

45. The representative of Barbados presented the amendment contained in document A/C.3/63/L.67, which was sponsored by Antigua and Barbuda, the Bahamas, Bahrain, Barbados, Botswana, China, the Democratic People's Republic of Korea, Dominica, Egypt, Grenada, Guyana, Indonesia, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Myanmar, Nigeria, Oman, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, Uganda and Yemen. The amendment called for the replacement of operative paragraph 1 with the following text as a final preambular paragraph:

"*Noting* the report of the Secretary-General on the implementation of resolution 62/149".

46. Statements were made by the representatives of Australia, Egypt, Singapore and Romania (see A/C.3/63/SR.41).

47. The Committee rejected the proposed amendment in document A/C.3/63/L.67 by a recorded vote of 88 to 59, with 20 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Suriname, United Republic of Tanzania, Zambia.

Amendment contained in document A/C.3/63/L.68

48. The representative of Singapore presented the amendment contained in document A/C.3/63/L.68, which was sponsored by Antigua and Barbuda, the Bahamas, Bahrain, Barbados, Botswana, China, the Democratic People's Republic of Korea, Dominica, Egypt, Grenada, Indonesia, the Libyan Arab Jamahiriya, Myanmar, Nigeria, Oman, Saint Lucia, Saint Vincent and the Grenadines, Singapore, the Sudan, Swaziland, the Syrian Arab Republic, Trinidad and Tobago and Uganda. The amendment called for the replacement of operative paragraphs 2 and 3 with the following text:

"*Requests* the Secretary-General to submit a report on the present resolution for consideration at its sixty-sixth session, based on the information provided by Member States;"

49. Statements were made by the representatives of Barbados, Singapore, Norway, Estonia and Uruguay (see A/C.3/63/SR.41).

50. The Committee rejected the proposed amendment in document A/C.3/63/L.68 by a recorded vote of 87 to 56, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

Action on draft resolution A/C.3/63/L.19/Rev.1

51. At the 42nd meeting, on 20 November, the representative of Barbados moved, under rule 129 of the rules of procedure, for a separate vote on the first preambular paragraph of draft resolution A/C.3/63/L.19/Rev.1.

52. At the same meeting, the representative of Malaysia proposed an oral amendment to operative paragraphs 2 and 3 of the draft resolution, whereby the words "sixty-fifth session" would be changed to "sixty-sixth session".

53. The representative of Chile, on behalf of the sponsors, rejected the proposed amendments, whereupon the Committee proceeded to vote separately on each amendment as follows.

54. The Committee rejected the proposed amendment to operative paragraph 2 by a recorded vote of 88 to 55, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Benin, Bhutan, Cambodia, Djibouti, Equatorial Guinea, Ghana, Guatemala, Kenya, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sierra Leone, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

55. Before the vote, statements were made by the representatives of Singapore, China, Germany, New Zealand, Egypt and the Czech Republic (see A/C.3/63/SR.42).

56. Also at its 42nd meeting, the Committee rejected the proposed amendment to operative paragraph 3 by a recorded vote of 90 to 53, with 23 abstentions. The voting was as follows:

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Benin, Bhutan, Cambodia, Djibouti, Equatorial Guinea, Ghana, Guatemala, Kenya, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

57. At the same meeting, the representative of Mexico, under rule 129 of the rules of procedure, raised an objection to the earlier motion for division made by the representative of Barbados, wherein he had called for a separate vote on the first preambular paragraph.

58. Statements in favour of the motion for division were made by the representatives of Antigua and Barbuda and Singapore and statements opposing the motion were made by the representatives of Monaco and Armenia (see A/C.3/63/SR.42).

59. The Committee voted on the motion for division, which was rejected by a recorded vote of 88 to 53, with 24 abstentions. The voting was as follows:[3]

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Grenada,

[3] The delegation of Uruguay subsequently stated that, had it been present during the voting, it would have voted against the motion.

Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of).

Abstaining:

Benin, Bhutan, Cambodia, Djibouti, Equatorial Guinea, Fiji, Ghana, Guatemala, Kenya, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Republic of Korea, Russian Federation, Senegal, Sierra Leone, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

60. After the vote, statements were made by the representatives of the United Kingdom and Uruguay (see A/C.3/63/SR.42).

61. At the same meeting, the representative of Singapore moved, under rule 129 of the rules of procedure, that operative paragraph 1 of the draft resolution be voted on separately.

62. A procedural discussion followed, at the 42nd meeting, during which the representatives of Singapore, Barbados, Mexico, Chile, France and New Zealand made statements and the Secretary of the Committee spoke on a point of clarification (see A/C.3/63/SR.42).

63. At the same meeting, the representative of Chile, under rule 129 of the rules of procedure, raised an objection to the motion for division made by the representative of Singapore.

64. Also at the same meeting, statements in favour of the motion were made by the representatives of the Sudan and Barbados and statements opposing the motion were made by the representatives of Monaco and Switzerland (see A/C.3/63/SR.42).

65. The Committee voted on the motion for division, which was rejected by a recorded vote of 88 to 55, with 24 abstentions. The voting was as follows:[4]

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Benin, Bhutan, Djibouti, Equatorial Guinea, Fiji, Ghana, Guatemala, Guinea-Bissau, Kenya, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Republic of Korea, Russian Federation, Senegal, Sierra Leone, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

66. After the vote, the representative of Slovakia made a statement regarding the vote.

67. Also at the 42nd meeting, the Committee proceeded to consider draft resolution A/C.3/63/L.19/Rev.1 as a whole.

68. Statements were made by the representatives of Colombia, Iran (Islamic Republic of), Malaysia, the Bahamas, Egypt, Croatia and the Sudan (see A/C.3/63/SR.42).

69. The Committee adopted the draft resolution by a recorded vote of 106 to 48, with 31 abstentions (see para. 182, draft resolution I). The voting was as follows:[5]

[4] The delegation of Slovakia subsequently stated that, had it been present during the voting, it would have voted against the motion.

[5] The delegation of Djibouti subsequently stated that, had it been present during the voting, it would have abstained.

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Chad, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United States of America, Yemen, Zimbabwe.

Abstaining:

Bahrain, Belarus, Bhutan, Cameroon, Central African Republic, Cuba, Equatorial Guinea, Eritrea, Fiji, Ghana, Guinea, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Oman, Republic of Korea, Senegal, Sierra Leone, Suriname, Togo, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

70. Before the vote, statements were made by the representatives of Myanmar, Guyana, Barbados, Thailand, Yemen, Papua New Guinea, India, Nigeria, Saint Vincent and the Grenadines and the Syrian Arab Republic; after the vote, statements were made by the representatives of the United States, Morocco, Singapore, Lebanon, Egypt, Ghana, Japan, Bangladesh, Viet Nam, Bhutan, China, Saudi Arabia, Swaziland, Benin and Botswana (see A/C.3/63/SR.42).

B. Draft resolution A/C.3/63/L.20

71. At the 35th meeting, on 4 November, the representative of Morocco, on behalf of Benin, Brazil, Costa Rica, Djibouti, Egypt, Gabon Japan, Mali, Mauritius, Morocco, Senegal and the United States, introduced a draft resolution entitled "The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights" (A/C.3/63/L.20). Subsequently, Angola,

Armenia, Australia, Austria, Azerbaijan, Belgium, Brazil, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Canada, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Gabon, the Gambia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jordan, Latvia, Lebanon, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mongolia, the Netherlands, Norway, Oman, Panama, Poland, Portugal, Qatar, Republic of Moldova, Romania, Saudi Arabia, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, the United Arab Emirates and the United Kingdom joined in sponsoring the draft resolution.

72. At the 38th meeting, on 6 November, the Committee adopted draft resolution A/C.3/63/L.20 (see para. 182, draft resolution II).

73. After the adoption of the draft resolution, a statement was made by the representative of France (on behalf of the States Members of the United Nations that are members of the European Union). A statement was also made by the representative of Colombia regarding the sponsorship of the draft resolution (see A/C.3/63/SR.38).

C. Draft resolution A/C.3/63/L.21

74. At the 35th meeting, on 4 November, the representative of Belgium on behalf of, Armenia, Austria, Belgium, Bosnia and Herzegovina, Benin, Burundi, Costa Rica, Cyprus, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Luxembourg, the Netherlands, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Togo and the United Kingdom, introduced draft resolution entitled "Regional arrangements for the promotion and protection of human rights" (A/C.3/63/L.21).

75. Subsequently, Albania, Andorra, Angola, Argentina, Australia, Azerbaijan, Brazil, Bulgaria, Cameroon, Cape Verde, Canada, Chile, the Congo, Côte d'Ivoire, Croatia, the Czech Republic, El Salvador, Ghana, Guatemala, Honduras, Indonesia, Israel, Japan, Liberia, Liechtenstein, Lithuania, Mali, Malta, Mongolia, Nigeria, Norway, Panama, Paraguay, Peru, the Republic of Moldova, Thailand, the former Yugoslav Republic of Macedonia, Turkey, United Republic of Tanzania and Uruguay joined in sponsoring the draft resolution.

76. At the 39th meeting, on 11 November, the representative of Belgium on behalf of the sponsors orally revised the draft resolution as follows:

(a) Operative paragraph 6 (e), which read:

"(e) Recent initiatives by regional organizations, such as the Association of the Southeast Asian Nations, to develop subregional arrangements for the promotion and protection of human rights;"

was replaced by:

"(e) The recent decision by the Association of Southeast Asian Nations (ASEAN) to develop a mechanism for the promotion and protection of human rights;"

(b) A new operative paragraph 6 (g) was inserted, to read:

"(g) Ongoing initiatives to further develop arrangements for the promotion and protection of human rights by MERCOSUR;"

(c) In operative paragraph 6 (h), after the words "the Council of Europe," the words "and its various human rights bodies and mechanisms," were inserted.

77. Also, at its 39th meeting, the Committee adopted draft resolution A/C.3/63/L.21, as orally revised (see para. 182, draft resolution III).

78. After the adoption of the draft resolution, a statement was made by the representative of Cuba (see A/C.3/63/SR.39).

D. Draft resolutions A/C.3/63/L.22 and Rev.1

79. At the 39th meeting, on 11 November, the representative of Uganda, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference, Belarus and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Combating defamation of religions" (A/C.3/63/L.22), which read as follows:

"*The General Assembly*,

"*Reaffirming* the pledge made by all States, under the Charter of the United Nations, to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to race, sex, language or religion,

"*Recalling* the relevant international instruments on the elimination of discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief, the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

"*Recalling also* the relevant resolutions of the Commission on Human Rights and the Human Rights Council in this regard,

"*Welcoming* the resolve expressed in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

"*Underlining* in this regard the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, welcoming the progress achieved in implementing the Declaration and Programme of Action, and emphasizing that they constitute a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

"*Expressing concern* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of the resurgence of activities of political parties and associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Deeply alarmed* at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and illegal immigration, thereby legitimizing discrimination against them, and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion, and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal,

"*Noting with deep concern* the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, in addition to the negative projection of Islam in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target Muslims, in particular Muslim minorities following the events of 11 September 2001, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

"*Stressing* that defamation of religions is a serious affront to human dignity leading to the restriction of the freedom of religion of their adherents and incitement to religious hatred and violence,

"*Stressing also* the need to effectively combat defamation of all religions and incitement to religious hatred, against Islam and Muslims in particular,

"*Reaffirming* that discrimination on the grounds of religion or belief constitutes a violation of human rights and a disavowal of the principles of the Charter of the United Nations,

"*Noting with concern* that defamation of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions,

"*Taking note* of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted to the Human Rights Council at its fourth and sixth sessions, which draw attention to the serious nature of the defamation of all religions, and reiterating the call of the Special Rapporteur to all States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights,

"*Recalling* the proclamation of the Global Agenda for Dialogue among Civilizations, and inviting States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil societies to contribute to the implementation of the Programme of Action contained in the Global Agenda,

"*Welcoming* the efforts of the Alliance of Civilizations initiative in promoting mutual respect and understanding among different cultures and societies, as well as the forthcoming second forum of the Alliance, to be held in Istanbul, Turkey, on 2 and 3 April 2009,

"*Convinced* that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of the different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards people belonging to different cultures, religions and beliefs generate hatred and violence among peoples and nations throughout the world,

"*Recognizing* the valuable contributions of all religions and beliefs to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of common values,

"*Underlining* the important role of education in the promotion of tolerance and the elimination of discrimination based on religion or belief,

"*Reaffirming* the need for all States to continue their national and international efforts to enhance dialogue and broaden understanding among civilizations, cultures, religions and beliefs, and emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for and freedom of religion and belief,

"*Welcoming* all international and regional initiatives aimed at promoting cross-cultural and interfaith harmony, including the International Dialogue on Interfaith Cooperation, held in Yogyakarta, Indonesia, on 6 and 7 December 2004, and the World Conference on Dialogue, held in Madrid from 16 to 18 July 2008, and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels, and taking note with appreciation of the final declaration adopted at the conference on 'Common world: progress through diversity', held in Astana on 17 October 2008,

"*Underlining* the importance of increasing contacts at all levels in order to deepen dialogue and reinforce understanding among different cultures, religions, beliefs and civilizations, and welcoming in this regard the Declaration and Programme of Action adopted by the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,

"*Recalling* its resolution 62/154 of 18 December 2007,

"1. *Takes note* of the report of the Secretary-General and the conclusions contained therein;

"2. *Expresses deep concern* at the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world;

"3. *Strongly deplores* all acts of ideological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites and religious symbols of all religions;

"4. *Expresses deep concern* at the programmes and agendas pursued by extremist organizations and groups aimed at the defamation of religions, and incitement to religious hatred in general, in particular when condoned by Governments;

"5. *Notes with deep concern* the intensification of the campaign of defamation of religions, and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

"6. *Recognizes* that, in the context of the fight against terrorism and the reaction to counter-terrorism measures, defamation of religions, and incitement to religious hatred in general, become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as their economic and social exclusion;

"7. *Expresses deep concern* in this respect that Islam is frequently and wrongly associated with human rights violations and terrorism;

"8. *Reiterates* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-Terrorism Strategy, which was adopted without a vote by the General Assembly on 8 September 2006, and which clearly affirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group, stressing the need to reinforce the international community's commitment to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures and prevent the defamation of religions;

"9. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, including Islam, as well as targeting of religious symbols;

"10. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to hold opinions without interference and the right to freedom of expression, and that the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals;

"11. *Reaffirms* that general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon

racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

"12. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to continue to carry out their work as mandated by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008;

"13. *Reaffirms* the obligation of all States to enact the necessary legislation to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and urges States to take resolute action in this regard;

"14. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general, to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

"15. *Also urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect people regardless of their different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided;

"16. *Underscores* the need to combat defamation of religions, and incitement to religious hatred in general, by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-raising;

"17. *Urges* States to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind, and to refrain from any legal or other measures leading to racial segregation in access to schooling;

"18. *Calls upon* the international community to foster a global dialogue to promote a culture of tolerance and peace based on respect for human rights and diversity of religion and belief, and urges States, non-governmental organizations, religious bodies and the print and electronic media to support and participate in such a dialogue;

"19. *Affirms* that the Human Rights Council shall promote universal respect for all religious and cultural values and address instances of intolerance, discrimination and incitement of hatred against members of any community or adherents of any religion, as well as promote ways to consolidate international efforts in order to combat impunity for such deplorable acts;

"20. *Welcomes* the initiative by the United Nations High Commissioner for Human Rights to hold an expert seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, which was held on 2 and 3 October 2008, and requests the High Commissioner to continue to build on this initiative, with a view to preventing and eliminating all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

"21. *Takes note* of the efforts of the United Nations High Commissioner for Human Rights to promote and include human rights aspects in educational programmes, particularly the World Programme for Human Rights Education proclaimed by the General Assembly on 10 December 2004, and calls upon the High Commissioner to continue those efforts, with particular focus on:

"(a) The contributions of cultures, as well as religious and cultural diversity;

"(b) Collaboration with other relevant bodies of the United Nations system and regional and international organizations in holding joint conferences designed to encourage the dialogue among civilizations and promote understanding of the universality of human rights and their implementation at various levels, in particular the Office of the United Nations High Representative for the Alliance of Civilizations and the unit within the Secretariat mandated to interact with various entities within the United Nations system and coordinate their contribution to the intergovernmental process;

"22. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world, to the General Assembly at its sixty-fourth session."

80. At its 46th meeting, on 24 November, the Committee had before it a revised text of the draft resolution (A/C.3/63/L.22/Rev.1), which the representative of Uganda orally revised by replacing, in the eighth preambular paragraph, the words "illegal immigration" by the words "irregular immigration".

81. At the same meeting, statements were made by the representative of Egypt and the observer for the Holy See (see A/C.3/63/SR.46).

82. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/63/L.22/Rev.1, as orally revised, by a recorded vote of 85 to 50, with 42 abstentions (see para. 182, draft resolution IV). The voting was as follows:

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Guinea, Guinea-Bissau, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania,

Mauritius, Morocco, Mozambique, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Angola, Argentina, Armenia, Belize, Benin, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Equatorial Guinea, Ghana, Grenada, Guatemala, Haiti, India, Japan, Kenya, Madagascar, Malawi, Mexico, Mongolia, Namibia, Nauru, Nepal, Panama, Papua New Guinea, Paraguay, Peru, Rwanda, Timor-Leste, Trinidad and Tobago, United Republic of Tanzania, Uruguay, Vanuatu, Zambia.

83. Before the vote, statements were made by the representatives of India, the United States and France (on behalf of the States Members of the United Nations that are members of the European Union and associated States); after the vote, statements were made by the representatives of Nigeria, Chile, Colombia, Brazil and Singapore (see A/C.3/63/SR.46).

E. Draft resolution A/C.3/63/L.23

84. At the 35th meeting, on 4 November, the representative of Germany, on behalf of Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Mexico, Mongolia, the Netherlands, Norway, Romania, Slovakia, Slovenia and Spain, introduced a draft resolution entitled "National institutions for the promotion and protection of human rights" (A/C.3/63/L.23).

85. Subsequently, Albania, Andorra, Bangladesh, Benin, Bosnia and Herzegovina, the Central African Republic, Costa Rica, Cyprus, the Dominican Republic, Estonia, Georgia, Ghana, Guatemala, Haiti, Honduras, Iceland, Israel, Japan, Latvia, Lebanon, Lithuania, Malta, Montenegro, Morocco, Nigeria, Panama, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, the Russian Federation, Serbia, Sierra Leone, Spain, Sri Lanka, Switzerland, Thailand, Timor-Leste, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the

United Kingdom, the United Republic of Tanzania and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

86. At the 43rd meeting on 20 November, the representative of Germany, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) Footnote 7, which read "A/62/287", was replaced by A/63/486;

(b) In operative paragraph 10, the words "in the international human rights system, especially" were deleted;

(c) In operative paragraph 12, the words "as well as with the World Bank, other" were deleted;

(d) Operative paragraph 24, which read:

"24. *Encourages* all United Nations human rights mechanisms as well as agencies, funds and programmes to work in close cooperation with national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and rule of law, and in this regard welcomes joint efforts made by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme to develop partnerships in support of national institutions;"

was replaced by:

"24. *Encourages* all United Nations human rights mechanisms as well as agencies, funds and programmes to work within their respective mandates with Member States and national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and rule of law, and in this regard welcomes the efforts made by the Office of the United Nations High Commissioner for Human Rights to develop partnerships in support of national institutions;"

87. Also, at the 43rd meeting, the Committee adopted draft resolution A/C.3/63/L.23, as orally revised, without a vote (see para. 182, draft resolution V).

F. Draft resolution A/C.3/63/L.24

88. At the 35th meeting, on 4 November, the representative of Benin introduced a draft resolution, on behalf of the Group of African States, as well as Argentina Austria, Bulgaria, Colombia, El Salvador, France, Hungary, Ireland, Kenya, Saint Vincent and the Grenadines and Slovenia entitled "International Year of Human Rights Learning" (A/C.3/63/L.24).

89. Subsequently, Algeria, Antigua and Barbuda, Armenia, Belize, Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Croatia, Cyprus, Ecuador, Greece, Grenada, Guatemala, Haiti, Honduras, Indonesia, Iraq, Israel, Italy, Jordan, Lebanon, Lithuania, Oman, Panama, the Philippines, Poland, Portugal, Qatar, Saudi Arabia, Serbia, Spain, Suriname, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, the United Arab Emirates and the United States, joined in sponsoring the draft resolution.

90. At the 38th meeting, on 6 November, the representative of Benin orally revised the draft resolution as follows:

(a) In the second preambular paragraph, first line, the words "and reiterating" were replaced by the words "which decided";

(b) In the ninth preambular paragraph, first line, the words "where appropriate" were inserted after the words "private sector";

(c) Operative paragraph 2, which read:

"2. *Urges* Member States to develop throughout the International Year of Human Rights Learning and beyond, in coordination with civil society, the private sector, academia and parliamentarians and regional organizations, including the appropriate specialized agencies, funds and programmes of the United Nations system, international strategies and/or regional, national and local plans of action aimed at broad-based and sustained human rights learning at all levels, without losing sight, where appropriate, of the work of the World Programme for Human Rights Education;"

was replaced by:

"2. *Urges* Member States to develop throughout the International Year of Human Rights Learning and beyond, in coordination with civil society, the private sector, academia and parliamentarians and regional organizations, including the appropriate specialized agencies, funds and programmes of the United Nations system, international strategies and/or regional, national and local programmes of action aimed at broad-based and sustained human rights learning at all levels, bearing in mind the complimentary efforts undertaken within the framework of the World Programme for Human Rights Education;"

(d) In operative paragraph 3, the word "plans" was replaced by the word "programmes".

91. Also, at the 43rd meeting, the Committee adopted draft resolution A/C.3/63/L.24, as orally revised, without a vote (see para. 182, draft resolution VI).

C. Draft resolutions A/C.3/63/L.25 and Rev.1

92. At the 38th meeting, on 6 November, the representative of Austria, on behalf of Albania, Argentina, Armenia, Australia, Austria, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, the Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Ethiopia, Finland, Georgia, Germany, Guatemala, Honduras, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, Norway, Panama, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, the Russian Federation, Serbia, Slovenia, Sweden, Switzerland, Timor-Leste, the United Kingdom and Uruguay, introduced a draft resolution entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" (A/C.3/63/L.25). Subsequently, Italy and San Marino joined in sponsoring the draft resolution, which read as follows:

"*The General Assembly*,

"*Recalling* the relevant provisions of the International Covenant on Civil and Political Rights and its resolution 47/135 of 18 December 1992 on the

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

"*Recalling also* its subsequent resolutions on the effective promotion of the Declaration, as well as Human Rights Council resolutions 6/15 of 28 September 2007, by which the Council established the Forum on Minority Issues, and 7/6 of 27 March 2008 on the mandate of the independent expert on minority issues,

"*Noting* that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contributes to political and social stability and peace and enriches the cultural diversity and heritage of society, as reaffirmed in the 2005 World Summit Outcome,

"*Affirming* that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

"*Expressing concern* at the frequency and severity of disputes and conflicts involving minorities in many countries and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately from the effects of conflict resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

"*Emphasizing* the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

"*Emphasizing also* the importance of human rights education, training and learning as well as of dialogue and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies as well as social cohesion therein,

"*Emphasizing further* the important role that national institutions can play in the promotion and protection of rights of persons belonging to national or ethnic, religious and linguistic minorities as well as in early warning and awareness-raising for problems regarding minority situations,

"*Acknowledging* that the United Nations has an important role to play regarding the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, taking due account of and giving effect to the Declaration,

"1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and

effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and draws attention to the relevant provisions of the Durban Declaration and Programme of Action, including the provisions on forms of multiple discrimination;

"2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

"3. *Urges* States to take, as appropriate, all necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

"4. *Welcomes*, in this regard, the initiative of the Office of the United Nations High Commissioner for Human Rights to organize, in cooperation with the International Labour Organization and the United Nations Office on Drugs and Crime, the expert meeting on integration with diversity in policing, held in Vienna on 15 and 16 January 2008 bringing together police service professionals from different regions and countries of the world in order to share experiences and lessons learned in relation to the inclusion of persons belonging to minorities in law enforcement systems, and takes note of the elaboration by the Office of the High Commissioner of guidelines on integration with diversity in policing;

"5. *Commends* the independent expert on minority issues for the work that she has undertaken so far, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities and for her ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, the relevant United Nations bodies and mechanisms and non-governmental organizations;

"6. *Calls upon* all States to cooperate with the independent expert in the performance of the tasks and duties mandated to her, and encourages the specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate-holder;

"7. *Welcomes* the decision of the Human Rights Council to establish the Forum on Minority Issues, providing a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, which will provide thematic contributions

and expertise to the work of the independent expert on minority issues and identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the Declaration;

"8. *Encourages* States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, regional, intergovernmental and non-governmental organizations and national human rights institutions as well as academics and experts on minority issues to participate actively in the inaugural session of the Forum on Minority Issues, to be held on 15 and 16 December 2008 in Geneva, which is dedicated to the subject of rights of persons belonging to minorities and the right to education;

"9. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration, to continue to engage in a dialogue with Governments for that purpose and to regularly update and disseminate widely the *United Nations Guide for Minorities*;

"10. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations agencies, funds and programmes on minority issues, and calls upon those agencies, funds and programmes to contribute actively to this process;

"11. *Also welcomes* the cooperation of the independent expert on minority issues with United Nations agencies, funds and programmes, such as the United Nations Children's Fund, the United Nations Development Programme and the United Nations Educational, Scientific and Cultural Organization, in continuing their engagement with persons belonging to national or ethnic, religious and linguistic minorities in their work in all parts of the world, and in this regard takes note of the ongoing work of the United Nations Development Programme on its guidance and policy note on minority issues;

"12. *Requests* the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

"13. *Invites* the human rights treaty bodies, when considering reports submitted by State parties as well as special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

"14. *Invites* the High Commissioner to continue to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, particularly its human rights bodies, and in doing so to give particular attention to ensuring the participation of young people and women;

"15. *Invites* the independent expert on minority issues to report to the General Assembly on the implementation of the present resolution at its sixty-fifth session;

"16. *Decides* to continue consideration of the question at its sixty-fifth session under the item entitled 'Human rights questions'."

93. At its 43rd meeting, on 20 November, the Committee had before it a revised draft resolution entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" (A/C.3/63/L.25/Rev.1), submitted by Albania, Argentina, Armenia, Australia, Austria, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Finland, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Montenegro, the Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, the Russian Federation, San Marino, Serbia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom and Uruguay.

94. At the same meeting, the representative of Austria orally revised the draft resolution by replacing, in the first preambular paragraph, the words "taking into consideration" by the words "bearing in mind".

95. Also, at its 43rd meeting, the Committee adopted draft resolution A/C.3/63/L.25/Rev.1, as orally revised, without a vote (see para. 182, draft resolution VII).

H. Draft resolution A/C.3/63/L.27

96. At the 38th meeting, on 6 November, the representative of Peru, on behalf of Algeria, Angola, Armenia, Australia, Austria, Belgium, Belize, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, the Netherlands, Nicaragua, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom, Uruguay and Venezuela (Bolivarian Republic of) introduced a draft resolution entitled "Human rights and extreme poverty" (A/C.3/63/L.27). Subsequently, Albania, Andorra, Argentina, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Colombia, the Congo, Côte d'Ivoire, Cuba, the Dominican Republic, Ghana, Guinea-Bissau, Guyana, Haiti, Indonesia, Iraq, Israel, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Liechtenstein, Madagascar, Malawi, Mali, Mauritania, Mauritius, Montenegro, Morocco, Mozambique, Myanmar, Nigeria, Norway, Pakistan, Qatar, the Republic of Korea, the Republic of Moldova, Rwanda, San Marino, Saudi Arabia, Serbia, the Sudan, Swaziland, Thailand, Timor-Leste, Tunisia, Uganda, the United Arab Emirates and the United Republic of Tanzania joined in sponsoring the draft resolution.

97. Also at the 38th meeting, the representative of Kuwait made a statement (A/C.3/63/SR.38).

98. At its 39th meeting, on 11 November, the Committee adopted draft resolution A/C.3/63/L.27 (see para. 182, draft resolution VIII).

99. After the adoption of the draft resolution, statements were made by the representatives of the United States and South Africa (see A/C.3/63/SR.39).

I. Draft resolutions A/C.3/63/L.28

100. At the 38th meeting, on 6 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Angola, Bangladesh, Barbados, Belarus, Benin, Botswana, Burkina Faso, Burundi, Cameroon, China, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Indonesia, Iran (Islamic Republic of), Kenya, Kuwait, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, South Africa, Suriname, the Sudan, Swaziland, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen, Zambia and Zimbabwe, introduced a draft resolution entitled "Globalization and its impact on the full enjoyment of all human rights" (A/C.3/63/L.28).

101. Subsequently, Azerbaijan, Bolivia, El Salvador, the Gambia, Honduras, Mozambique, Myanmar, Namibia, the Philippines, Sri Lanka and Viet Nam also joined in sponsoring the draft resolution.

102. At the 43rd meeting, on 20 November, the Committee adopted draft resolution A/C.3/63/L.28 by a recorded vote of 125 to 53, with 3 abstentions (see para. 182, draft resolution IX). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United

Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Singapore.

103. Before the vote, a statement was made by the representative of France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries); after the vote, a statement was made by the representative of Egypt (see A/C.3/63/SR.43).

J. Draft resolution A/C.3/63/L.29

104. At the 38th meeting, on 6 November, the representative of Gabon, on behalf of Algeria, Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, the Congo, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Gabon, Ghana, Guinea, Kenya, Madagascar, Mali, Morocco, Rwanda, Sao Tome and Principe, Senegal, Swaziland and Zambia, introduced a draft resolution entitled "Subregional Centre for Human Rights and Democracy in Central Africa" (A/C.3/63/L.29). Subsequently, Albania, Austria, Bosnia and Herzegovina, Botswana, Chile, Comoros, Costa Rica, Croatia, Djibouti, El Salvador, Ethiopia, France, Honduras, Italy, Lebanon, Lesotho, Liberia, Malawi, Namibia, Nigeria, Portugal, Sierra Leone, South Africa, Spain, Sri Lanka, the Sudan, the former Yugoslav Republic of Macedonia, Uganda, the United States and the United Republic of Tanzania joined in sponsoring the draft resolution.

105. At the 43rd meeting, on 20 November, the Secretary of the Committee read out a statement of programme budget implications in connection with the draft resolution (A/C.3/63/SR.43). Also at the same meeting, the Committee adopted draft resolution A/C.3/63/L.29, without a vote (see para. 182, draft resolution X).

K. Draft resolutions A/C.3/63/L.30 and Rev.1

106. At the 39th meeting, on 11 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "The right to development" (A/C.3/63/L.30). Subsequently, China, Côte d'Ivoire, Dominica, El Salvador and Somalia joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

"*Recalling* the Universal Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

"*Recalling also* the outcomes of all the major United Nations conferences and summits in the economic and social fields,

"*Recalling further* that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

"*Stressing* that the Vienna Declaration and Programme of Action reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

"*Reaffirming* the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,

"*Deeply concerned* that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

"*Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

"*Expressing deep concern* over the suspension once again of the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

"*Recalling* the outcome of the eleventh session of the United Nations Conference on Trade and Development, held in São Paulo, Brazil, from 13 to 18 June 2004, on the theme 'Enhancing the coherence between national development strategies and global economic processes towards economic growth and development, particularly of developing countries',

"*Recalling also* all its previous resolutions, Human Rights Council resolution 9/3 of 24 September 2008, previous resolutions of the Council and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998, on the urgent need

to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

"*Welcoming* the outcome of the ninth session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 18 to 22 August 2008, as contained in the report of the Working Group and as referred to in the report of the Secretary-General on the right to development,

"*Recalling* the Fourteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Havana on 15 and 16 September 2006, the Fifteenth Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Tehran on 29 and 30 July 2008, and the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Putrajaya, Malaysia, on 29 and 30 May 2006,

"*Reiterating its continuing support* for the New Partnership for Africa's Development as a development framework for Africa,

"*Recognizing* that poverty is an affront to human dignity,

"*Recognizing also* that extreme poverty and hunger are the greatest global threat that requires the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

"*Recognizing further* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

"*Stressing* that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

"1. *Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its ninth session, and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

"2. *Supports* the realization of the mandate of the Working Group as renewed by the Human Rights Council in its resolution 9/3, with the recognition that the Working Group will convene annual sessions of five working days and present its reports to the Council;

"3. *Also supports* the realization of the mandate of the high-level task force on the implementation of the right to development, established within the framework of the Working Group, as renewed by the Human Rights Council in its resolution 9/3, with the further recognition that the task force will convene

annual sessions of seven working days and present its reports to the Working Group;

"4. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement:

"(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievements of the Millennium Development Goals;

"(b) To lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

"5. *Notes with appreciation* that the high-level task force, at its second meeting, examined Millennium Development Goal 8, on developing a global partnership for development, and suggested criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;

"6. *Stresses* the importance of endorsement of the workplan for the task force for the period 2008-2010, outlined in paragraph 43 of the report of the Working Group, which would ensure that the criteria for the periodic evaluation of global partnerships, as identified in Millennium Development Goal 8, to be submitted by the task force to the Working Group at its eleventh session in 2010, is extended to other components of Millennium Development Goal 8;

"7. *Also stresses* that the above criteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

"8. *Emphasizes* the importance that, upon completion of the three phases of the road map, the Working Group take appropriate steps to ensure respect for and practical application of these standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

"9. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session, congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

"10. *Also stresses* that it is important that the high-level task force and the Working Group, in the discharge of their mandates, take into account the need:

"(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

"(b) To also promote effective partnerships such as the New Partnership for Africa's Development and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

"(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as a fundamental human right, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level as well as equitable economic relations and a favourable economic environment at the international level;

"(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

"(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, programmes and funds, as well as in policies and strategies of the international financial and multilateral trading systems, taking into account in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising out of political or other non-economic considerations, in addressing the issues of concern to the developing countries;

"11. *Requests* the Human Rights Council to consider how to ensure that its Advisory Committee pursues the ongoing work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of General Assembly and Commission on Human Rights resolutions, and in compliance with decisions to be taken by the Human Rights Council, and requests the Secretary-General to report on progress in this regard to the Assembly at its sixty-fourth session;

"12. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its previous four sessions by the Subcommission on the Promotion and Protection of Human Rights;

"13. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and

summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

"14. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

"15. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

"16. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

"17. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

"18. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

"19. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

"20. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

"21. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

"22. *Expresses its deep concern* in this regard at the further aggravation of the economic and social situation of developing countries as the result of the ongoing international energy, food and financial crises;

"23. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration of halving

the number of people living in poverty by 2015 and, concerned about the worsening of the current global food crisis, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

"24. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

"25. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

"26. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

"27. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need for good governance and broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

"28. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

"29. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

"30. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

"31. *Welcomes* the Political Declaration on HIV/AIDS adopted at the High-level Meeting of the General Assembly on 2 June 2006, stresses that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

"32. *Also welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities on 3 May 2008;

"33. *Emphasizes its commitment* to indigenous peoples in the process of realization of the right to development, and stresses the commitment to ensure their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security recognized in international human rights obligations and highlighted in the United Nations Declaration on the Rights of Indigenous Peoples as adopted by the General Assembly in its resolution 61/295 of 13 September 2007;

"34. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

"35. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption, particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify, as soon as possible, and States parties to implement effectively, the Convention;

"36. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

"37. *Reaffirms* the request to the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in her next report to the Human Rights Council;

"38. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in

their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

"39. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

"40. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-fourth session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chairperson of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-fourth session."

107. At its 46th meeting, on 24 November, the Committee had before it a revised draft resolution (A/C.3/63/L.30/Rev.1), submitted by the sponsors of draft resolution A/C.3/63/L.29. Subsequently, Brazil joined in sponsoring the draft resolution.

108. At the same meeting, a statement was made by the representative of Cuba.

109. Also at the 46th meeting, the Committee adopted draft resolution A/C.3/63/L.30/Rev.1 by a recorded vote of 177 to 1, with 2 abstentions (see para. 182, draft resolution XI). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav

Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Canada, Israel.

110. Before the vote, statements were made by the representatives of the United States and France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries). After the vote, statements were made by the representatives of Canada, Switzerland and Finland (see A/C.3/63/SR.46).

L. Draft resolution A/C.3/63/L.31

111. At the 39th meeting, on 11 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/63/L.31) (see A/C.3/63/SR.39). Subsequently, China and El Salvador joined in sponsoring the draft resolution.

112. At the 44th meeting, on 21 November, the representative of Cuba made a statement on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries (see A/C.3/63/SR.44).

113. At the same meeting, the Committee adopted draft resolution A/C.3/63/L.31 by a recorded vote of 124 to 52 (see para. 182, draft resolution XII). The voting was as follows:[6]

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the

[6] After the vote, delegations of Ghana and Zimbabwe stated that, had they been present, they would have voted in favour of the draft resolution.

Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

M. Draft resolution A/C.3/63/L.32

114. At the 39th meeting, on 11 November, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/63/L.32). Subsequently, China and El Salvador joined in sponsoring the draft resolution.

115. At the 44th meeting, on 21 November, the representative of Cuba, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) In the second preambular paragraph, the word "all" before the word "resolutions" was deleted;

(b) In operative paragraph 7, after the word "transparency", the words "as well as by the elimination of double standards and politicization" were deleted.

116. Subsequently, Brazil joined in sponsoring the draft resolution as orally revised.

117. At the same meeting, the Committee adopted draft resolution A/C.3/63/L.32 as orally revised (see para. 182, draft resolution XIII).

N. Draft resolutions A/C.3/63/L.34 and Rev.1

118. At the 39th meeting, on 11 November, the representative of France, on behalf of Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, the Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, the Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav

Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom and Venezuela (Bolivarian Republic of), introduced a draft resolution (A/C.3/63/L.34) entitled, "Elimination of all forms of intolerance and of discrimination based on religion or belief". Subsequently, Albania, Benin, Cape Verde, Colombia, Cyprus, Ecuador, Guatemala, Honduras, Montenegro, Nicaragua, Nigeria, Panama, the Philippines, the Republic of Korea, the Republic of Moldova and Serbia joined in sponsoring the draft resolution, which read as follows:

"*The General Assembly*,

"*Recalling* its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"*Recalling also* article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

"*Recalling further* its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 62/157 of 18 December 2007, as well as Human Rights Council resolution 6/37 of 14 December 2007, in which the Council, inter alia, extended the mandate of the Special Rapporteur on freedom of religion or belief,

"*Reaffirming* the recognition by the 1993 World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated, and its call upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

"*Considering* that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

"*Considering also* that the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience and religion or belief, have brought, directly or indirectly, wars and great suffering to humankind,

"*Recognizing* the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

"*Resolved* to speed up the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"*Believing* that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination

based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

"*Reaffirming* that one's freedom of religion or belief includes the freedom to have or to adopt a religion or whatever belief of his or her choice, and the freedom, either individually or in community with others and in public or private, to manifest that religion or belief in worship, observance, practice and teaching,

"*Reaffirming also* that freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others and emphasizing that any such limitations must be non-discriminatory and must pursue a legitimate aim and be proportionate to this aim,

"*Concerned* at attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments,

"*Seriously concerned* at any abuse of registration procedures and at the resort to discriminatory registration procedures as a means to limit the right to freedom of religion or belief of members of certain religious communities, at the limitations placed on religious materials and at the obstacles placed in the way of construction of places of worship inconsistent with the exercise of the right to freedom of religion or belief,

"*Recognizing* that a formal or legal distinction at national level between different kinds of religions or beliefs may constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

"*Recognizing also* the importance of interreligious and intrareligious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion or belief, and welcoming different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization,

"*Convinced* of the need to address the rise in all parts of the world of religious extremism that affects the rights of individuals, the situations where violence and discrimination that affect many women as well as individuals from other vulnerable groups are carried out in the name of religion or belief or in accordance with cultural and traditional practices, and the abuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

"*Emphasizing* that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

"*Underlining* the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

"1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

"2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all people, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

"3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

"4. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief;

"5. *Recalls* that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief;

"6. *Emphasizes* that the conduct of such procedures, as described in paragraph 5 above, at the national or local level, and as and when legally required, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief either individually or in community with others and in public or private;

"7. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

"8. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, and to this end:

"(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

"(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

"(c) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits;

"(d) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of any person to

manifest his or her religion or belief, alone or in community with others and in public or in private;

"(e) To ensure that no official documents are withheld for reasons grounded in a person's religion or belief and that if religious affiliation is mentioned in any such documents, the individual has the right to refrain from disclosing this type of information, or to indicate 'other religion' or 'no religion';

"(f) To refrain from forcing someone who wishes to fill a public post to take an oath swearing his or her allegiance to any religion against his will;

"(g) To provide, in the case where official recognition of religious marriages exists, for the alternative of a civil registration of marriages;

"(h) To ensure the right of all persons to worship or assemble in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

"(i) To ensure, in particular, that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

"(j) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

"(k) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided;

"9. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

"10. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

"11. *Emphasizes* that respect for freedom of opinion and expression is of crucial importance to efforts to eliminate all forms of intolerance and of discrimination based on religion or belief;

"12. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

"(a) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination and

acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

"(b) Devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

"(c) Ensuring that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law;

"(d) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief and undertaking all appropriate efforts to encourage those engaged in teaching to promote mutual understanding and tolerance;

"13. *Stresses* the need to strengthen dialogue and notes in this regard the Alliance of Civilizations and the High Representative for the Alliance of Civilizations and the designation, in pursuance of the request made to the Secretary-General in General Assembly resolution 61/221 of 20 December 2006, of a focal point within the Secretariat to interact with various entities in the United Nations system and coordinate their contribution to dialogue;

"14. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, at all levels and with a broader participation, including of women, to promote greater tolerance, respect and mutual understanding;

"15. *Invites* all actors to address in the context of interreligious and intercultural dialogue, inter alia, the following issues within the framework of international human rights:

"(a) The rise of religious extremism affecting religions in all parts of the world;

"(b) The situations where violence and discrimination that affect many women as well as individuals from other vulnerable groups are carried out in the name of religion or belief or in accordance with cultural and traditional practices;

"(c) The abuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations;

"16. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

"17. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief,

ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, and promote its implementation;

"18. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;

"19. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

"20. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to fully discharge her mandate;

"21. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fourth session;

"22. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fourth session under the item entitled 'Promotion and protection of human rights'."

119. At the 47th meeting, on 24 November, the Committee had before it a revised text of the draft resolution (A/C.3/63/L.34/Rev.1), submitted by Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, the Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, the Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom and Venezuela (Bolivarian Republic of). Subsequently, Albania, Benin, Canada, Cape Verde, Colombia, Cyprus, Ecuador, Guatemala, Honduras, Montenegro, Nicaragua, Nigeria, Panama, the Philippines, the Republic of Korea, the Republic of Moldova, Serbia and the United States had joined in sponsoring the revised draft resolution, which read as follows:

"*The General Assembly*,

"*Recalling* its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"*Recalling also* article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

"*Recalling further* its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 62/157 of 18 December 2007, as well as Human Rights Council resolution 6/37 of 14 December 2007, in which the Council, inter alia, extended the mandate of the Special Rapporteur on freedom of religion or belief,

"*Reaffirming* the recognition by the 1993 World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated, and its call upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their

respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

"*Considering* that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

"*Considering also* that the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience and religion or belief, have brought, directly or indirectly, wars and great suffering to humankind,

"*Recognizing* the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

"*Resolved* to speed up the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"*Believing* that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

"*Reaffirming* that everyone has the right to freedom of thought, conscience, religion or belief, which includes the freedom to change one's religion or belief and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

"*Concerned* at attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments,

"*Seriously concerned* at misuse of registration procedures and at the resort to discriminatory registration procedures as a means to limit the right to freedom of religion or belief of members of certain religious communities, at the limitations placed on religious materials and at the obstacles placed in the way of construction of places of worship inconsistent with the exercise of the right to freedom of religion or belief,

"*Noting* that a formal or legal distinction at national level between different kinds of religions or beliefs may, in some cases, constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

"*Recognizing* the importance of interreligious and intrareligious dialogue in promoting tolerance in matters relating to religion or belief, and welcoming different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization,

"*Emphasizing* that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

"*Convinced* of the need to address the rise in all parts of the world of religious extremism that affects the rights of individuals, the situations where violence and discrimination that affect many women as well as individuals from other vulnerable groups are carried out in the name of religion or belief or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations, as well as other relevant instruments of the United Nations,

"*Underlining* the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

"1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

"2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all people, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;

"3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion, which implies that those limitations must be non-discriminatory and directly related and proportionate to the specific need on which they are predicated;

"4. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

"5. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief;

"6. *Recalls* that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief;

"7. *Emphasizes* that the conduct of such procedures, as described in paragraph 5 above, at the national or local level, and as and when legally required, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief either individually or in community with others and in public or private;

"8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

"9. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, and to this end:

"(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

"(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture and other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

"(c) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits;

"(d) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of any person to manifest his or her religion or belief, alone or in community with others and in public or in private;

"(e) To ensure that no official documents are withheld for reasons grounded in a person's religion or belief and that if religious affiliation is mentioned in any such documents, the individual has the right to refrain from disclosing this type of information, or to indicate 'other religion' or 'no religion'';

"(f) To refrain from forcing someone who wishes to fill a public post to take an oath swearing his or her allegiance to any religion against his will;

"(g) To provide, in the case where official recognition of religious marriages exists, for the alternative of a civil registration of marriages;

"(h) To ensure the right of all persons to worship or assemble in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

"(i) To ensure, in particular, that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

"(j) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure

that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction;

"(k) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided;

"10. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

"11. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing;

"12. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

"(a) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

"(b) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief and undertaking all appropriate efforts to encourage those engaged in teaching to promote mutual understanding, tolerance and respect;

"13. *Stresses* the need to strengthen dialogue, inter alia, through the Alliance of Civilizations and the High Representative for the Alliance and the focal point designated within the Secretariat, as welcomed by the General Assembly in its resolution 62/90, to interact with various entities in the United Nations system and coordinate their contribution to dialogue;

"14. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, at all levels and with a broader participation, including of women, to promote greater tolerance, respect and mutual understanding;

"15. *Invites* all actors to address in the context of interreligious and intercultural dialogue, inter alia, the following issues within the framework of international human rights:

"(a) The rise of religious extremism affecting religions in all parts of the world;

"(b) The situations where violence and discrimination that affect many women as well as individuals from other vulnerable groups are carried out in the name of religion or belief or in accordance with cultural and traditional practices;

"(c) The misuse of religion or belief for ends inconsistent with the Charter of the United Nations as well as other relevant instruments of the United Nations;

"16. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

"17. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

"18. *Welcomes* the work and the interim report of the Special Rapporteur on freedom of religion or belief;

"19. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to her requests to visit their countries and to provide all necessary information for the effective fulfilment of her mandate;

"20. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to fully discharge her mandate;

"21. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fourth session;

"22. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-fourth session under the item entitled 'Promotion and protection of human rights'."

120. At the same meeting, statements were made by the representatives of France, the Sudan and Egypt (see A/C.3/63/SR.47).

121. At the 48th meeting, on 25 November, the representative of France orally revised draft resolution A/C.3/63/L.34/Rev.1. The revisions were circulated in an informal text.

122. At the same meeting, Australia, Brazil, the Dominican Republic, Mauritius, Thailand, Turkey, the United Republic of Tanzania and Uruguay also joined in sponsoring the draft resolution, as orally revised.

123. The representative of Uganda made a statement on behalf of the States members of the United Nations that are members of the Organization of the Islamic Conference (see A/C.3/63/SR.48).

124. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/63/L.34/Rev.1, as orally revised (see para. 182, draft resolution XIV).

O. Draft resolutions A/C.3/63/L.35 and Rev.1 and amendments thereto contained in documents A/C.3/63/L.74 and A/C.3/63/L.75

125. At the 35th meeting, on 4 November, the representative of Sweden, on behalf of Andorra, Argentina, Armenia, Austria, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Ukraine, the United Kingdom and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Extrajudicial, summary or arbitrary executions" (A/C.3/63/L.35). The Republic of Korea and Uruguay joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights and other relevant human rights conventions,

"*Reaffirming* the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Human Rights Council resolution 8/3,

"*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

"*Mindful* of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights and of the Human Rights Council on the subject,

"*Noting with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

"*Acknowledging* that international human rights law and international humanitarian law are complementary and not mutually exclusive,

"*Noting with deep concern* the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

"*Acknowledging* that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court, and recalling in this regard that each individual State has the primary responsibility to protect its populations from such crimes,

"*Convinced* of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary

executions, which represent flagrant violations of human rights, particularly the right to life,

"1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

"2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

"3. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families, and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

"4. *Calls upon* Governments and invites intergovernmental and non-governmental organizations to pay greater attention to the work of national-level commissions of inquiry into extrajudicial, summary or arbitrary executions with a view to encouraging, facilitating and monitoring compliance with relevant international human rights standards;

"5. *Calls upon* all States in which the death penalty has not been abolished to prevent extrajudicial, summary or arbitrary executions by complying with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and taking into account the recommendations of the Special Rapporteur regarding the need to respect essential procedural guarantees, including the right to seek pardon or commutation of sentence;

"6. *Urges* all States:

"(a) To take all necessary and possible measures, in conformity with international human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts, and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

"(b) To ensure the effective protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities, of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

"7. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody;

"8. *Urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for their human rights and to ensure that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977 in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

"9. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, taking note of the growing awareness of the Court worldwide, calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences, and further welcomes the fact that one hundred and eight States have already ratified or acceded to and that one hundred and thirty-nine States have signed the Rome Statute of the Court, and calls upon all those States that have not ratified or acceded to the Rome Statute to give serious consideration to doing so;

"10. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, and urges States to intensify efforts to establish and implement effective witness protection programmes, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools designed to encourage and facilitate greater attention to the protection of witnesses;

"11. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to

support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

"12. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions to the General Assembly;

"13. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

"14. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary and arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges him to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

"15. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

"16. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

"17. *Expresses its appreciation* to those States that have received the Special Rapporteur and asks them to examine his recommendations carefully, invites them to inform him of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

"18. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

"19. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

"20. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

"21. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-fourth and sixty-fifth sessions a report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon;

"22. *Decides* to continue its consideration of this question at its sixty-fifth session."

126. At its 46th meeting, on 24 November, the Committee had before it a revised draft resolution entitled "Extrajudicial, summary or arbitrary executions" (A/C.3/63/L.35/Rev.1), submitted by Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom, Uruguay and Venezuela (Bolivarian Republic of).

127. At the same meeting, the Secretary read out a statement of programme budget implications in connection with the draft resolution (see A/C.3/63/SR.46).

128. Also at the same meeting, the representative of Sweden, speaking also on behalf of the Nordic countries, made a statement (see A/C.3/63/SR.46) and orally revised the text by replacing operative paragraph 5, which read:

"5. *Calls upon* all States in which the death penalty has not been abolished to prevent extrajudicial, summary or arbitrary executions by complying with their obligations under relevant provisions of international human rights instruments including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and taking into account the recommendations of the Special Rapporteur regarding the need to respect essential procedural guarantees, including the right to seek pardon or commutation of sentence;"

with a new paragraph which read:

"*Calls upon* all States, in order to prevent extrajudicial, summary and arbitrary executions, to comply with their obligations under relevant provisions of international human rights instruments, and further calls upon those States which have not abolished the death penalty to pay particular

regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child, bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and taking into account the recommendations of the Special Rapporteur regarding the need to respect essential procedural guarantees, including the right to seek pardon or commutation of sentence;"

129. Also at the 46th meeting, the representative of Sweden requested a vote on the amendment contained in document A/C.3/63/L.75.

Action on amendments to draft resolution A/C.3/63/L.35/Rev.1 contained in documents A/C.3/63/L.74 and A/C.3/63/L.75

Amendment contained in document A/C.3/63/L.74

130. At the 46th meeting, the representative of Uganda, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference, made a statement, in view of the oral revisions made by the representative of Sweden to operative paragraph 5, in which she withdrew the amendment contained in document A/C.3/63/L.74 (see A/C.3/63/SR.46).

Amendment contained in document A/C.3/63/L.75

131. Also at the 46th meeting, the representative of Uganda, on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference, introduced the amendment contained in document A/C.3/63/L.75, by which operative paragraph 6 (b) would be revised as follows:

(a) The words "killings of persons affected by terrorism, hostage-taking or foreign occupation, killings" would be deleted;

(b) The words "peoples under foreign occupation" would be inserted before the word "refugees";

(c) The words "including sexual orientation" would be replaced by the word "whatsoever",

and, in view of the statement made by the representative of Sweden, the representative of Uganda requested a separate vote on the amendments contained in paragraphs 1 (a) and (b) and a separate vote on the amendment contained in paragraph 1 (c).

132. At the same meeting, by a recorded vote of 60 to 78, with 29 abstentions, the Committee rejected the proposed amendment contained in paragraphs 1 (a) and (b). The voting was as follows:

In favour:

Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Brunei Darussalam, Burkina Faso, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Gabon, Gambia, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi

Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Namibia, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Afghanistan, Angola, Benin, Bolivia, Botswana, Burundi, Cambodia, Cape Verde, Costa Rica, Equatorial Guinea, Ethiopia, Grenada, Guinea, Guinea-Bissau, Haiti, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mongolia, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Sri Lanka, Togo, Trinidad and Tobago, United Republic of Tanzania, Uzbekistan.

133. Before the vote, statements were made by the representatives of Finland, Sweden, Denmark and the Syrian Arab Republic (see A/C.3/63/SR.46).

134. At the 47th meeting, on 24 November, following the rejection of the amendments contained in document A/C.3/63/L.75, statements were made by the representatives of Costa Rica and Egypt (see A/C.3/63/SR.47).

135. Also at the 47th meeting, by a recorded vote of 59 to 77, with 25 abstentions, the Committee rejected the proposed amendment contained in paragraph 1 (c). The voting was as follows:

In favour:

Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Brunei Darussalam, Burkina Faso, Cameroon, Chad, China, Comoros, Congo, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, Uganda, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile,

Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Montenegro, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Botswana, Burundi, Cambodia, Equatorial Guinea, Ethiopia, Guinea-Bissau, Haiti, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mongolia, Namibia, Rwanda, Singapore, Sri Lanka, Togo, Trinidad and Tobago, United Republic of Tanzania.

136. Before the vote, statements were made by the representatives of Argentina, the Netherlands and Sweden (see A/C.3/63/SR.47).

Action on draft resolution A/C.3/63/L.35/Rev.1

137. At its 47th meeting, the representative of Benin made a statement in which he announced that his delegation withdrew as a sponsor of the draft resolution, as revised (see A/C.3/63/SR.47).

138. Also at the 47th meeting, the Committee adopted the draft resolution, as orally revised, by a recorded vote of 121 to nil, with 57 abstentions (see para. 182, draft resolution XV). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of).

Against:

None.

Abstaining:

Angola, Bahamas, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, China, Comoros, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Myanmar, Niger, Nigeria, Oman, Pakistan, Palau, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zambia, Zimbabwe.

139. Before the vote, a statement was made by the representative of Sweden; after the vote, statements were made by the representatives of the United States, Iran (Islamic Republic of), Israel, the Sudan, Barbados, Jamaica and Egypt (see A/C.3/63/SR.47).

P. Draft resolution A/C.3/63/L.36

140. At the 38th meeting, on 6 November, the representative of Azerbaijan, on behalf of Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Benin, Bulgaria, Cameroon, Chile, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, Georgia, Germany, Jordan, Kazakhstan, Kyrgyzstan, Nigeria, Peru, Romania, Saudi Arabia, Senegal, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, Uzbekistan and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Missing persons" (A/C.3/63/L.36). Subsequently, Albania, Angola, Australia, Belgium, Bosnia and Herzegovina, Canada, Colombia, the Congo, Egypt, Guatemala, Honduras, Hungary, Italy, Latvia, Lebanon, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, the Netherlands, Pakistan, Qatar, the Republic of Moldova, Tajikistan, Timor-Leste, Uganda and the United States joined in sponsoring the draft resolution.

141. At the 43rd meeting, on 20 November, the representative of Azerbaijan, orally revised the draft resolution in the third preambular paragraph by replacing the word "Welcoming" with the word "Acknowledging". The representative of Lebanon made a statement and withdrew as a sponsor of the draft resolution (see A/C.3/63/SR.43).

142. Also at the 43rd meeting, the Committee adopted draft resolution A/C.3/63/L.36, as orally revised (see para. 182, draft resolution XVI).

Q. Draft resolutions A/C.3/63/L.38 and Rev.1

143. At the 39th meeting, on 11 November, the representative of Mexico, on behalf of Argentina, Azerbaijan, Belarus, Brazil, Chile, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Kyrgyzstan, Lebanon, Mexico, Nicaragua, Paraguay, Peru, the Philippines, Tajikistan and Uruguay, introduced a draft resolution entitled "Protection of migrants" (A/C.3/63/L.38). Subsequently, Algeria, Armenia, Benin, the Comoros, Côte d'Ivoire, Eritrea, Ethiopia, Ghana,

Guinea, Haiti, Iraq, Morocco, Nigeria, Sri Lanka and the Sudan joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* all its previous resolutions on the protection of migrants, the most recent of which is resolution 62/156 of 18 December 2007, and recalling also Human Rights Council resolution 9/5 of 24 September 2008,

"*Reaffirming* the Universal Declaration of Human Rights in its sixtieth anniversary year, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

"*Reaffirming also* that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

"*Recalling* the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"*Recalling also* the provisions concerning migrants contained in the outcomes of all major United Nations conferences and summits,

"*Underlining* the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

"*Recalling* advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter American Court of Human Rights,

"*Taking note* of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*, and recalling the obligations of States reaffirmed therein and subsequent rulings of the International Court of Justice following that Judgment,

"*Recalling* the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights, and taking note of the second meeting of the Global Forum on Migration and Development, organized and hosted by the Government of the Philippines from 27 to 30 October 2008,

"*Recalling also* its resolution 62/270 on the Global Forum on Migration and Development, in which, inter alia, it recognized that exchanges of information and expertise, consultation and closer cooperation between the Global Forum on Migration and Development and the United Nations could have a positive impact,

"*Noting with appreciation* in this regard the conclusions and recommendations of the international meeting on the protection of the rights of children in the context of international migration, held on 30 September and 1 October 2008 in Mexico City, co-organized by the Office of the United Nations High Commissioner for Human Rights, which will be presented to the Global Forum on Migration and Development as a contribution to the discussion on the matter,

"*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

"*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect for the human rights and fundamental freedoms of migrants,

"*Noting* that many migrant women are employed in the informal economy and in less skilled work compared with that of men, which puts those women at greater risk of abuse and exploitation,

"*Concerned* about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of those migrants,

"*Expressing deep concern* at the excessive detention periods to which undocumented migrants might be subject,

"*Underlining* the importance for States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent them from utilizing dangerous means to cross international borders,

"1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration statu , especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

"2. *Also calls upon* States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

"3. *Calls upon* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to raise awareness of and promote the Convention;

"4. *Urges* States parties to the United Nations Convention against Transnational Organized Crime and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

"5. *Takes note* of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its seventh and eighth sessions;

"6. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

"7. *Expresses concern about* legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

"8. *Deeply regrets and expresses concern about* the adoption of regulations that criminalize undocumented migration;

"9. *Expresses* the view that, as a rule, undocumented migrants should not be subject to detention, and calls on Member States to avoid excessive periods of detention and respect unequivocally the inherent dignity of migrants;

"10. *Urges* all States to refrain from taking any type of measure that stigmatizes any group of individuals, regardless of their migration status;

"11. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in

accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

"12. *Recalls* that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

"13. *Commends* States that have successfully implemented alternative measures to detention for undocumented migrants as a best practice that deserves serious consideration by all States;

"14. *Urges* States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification;

"15. *Underlines* the right of migrants to return to their country of citizenship;

"16. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

"17. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where applicable, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

"18. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

"19. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of remittances of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

"20. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment,

and encourages States to consider the possibility of adopting these types of programmes;

"21. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, bearing in mind the discussions of the High-level Dialogue on International Migration and Development held pursuant to General Assembly resolution 58/208 of 23 December 2003;

"22. *Invites* the Chairperson of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to address the General Assembly at its future sessions under the agenda item 'Promotion and protection of human rights';

"23. *Invites* the Special Rapporteur on the human rights of migrants to present his report to the General Assembly at its future sessions under the agenda item 'Promotion and protection of human rights';

"24. *Invites* Member States to strengthen their efforts to develop data and statistics as well as to collect information on the contribution of migrants to all spheres of society and to provide such data to the Secretary-General;

"25. *Welcomes* the inclusion of the item on the human rights of migrants in the agenda of the Global Forum on Migration and Development and encourages organizers of the Global Forum to continue to include the human rights perspective;

"26. *Requests* the Secretary-General to provide the resources necessary, from within existing resources of the United Nations, for the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to meet for two separate sessions in 2009, the first session to be of two consecutive weeks' duration and the second session to be of one week's duration, for the purpose of meeting the demands of the workload arising from the increasing number of reports of States parties that have been submitted to the Committee, and invites the Committee to consider ways of further improving the effectiveness of its working sessions;

"27. *Also requests* the Secretary-General to report on the implementation of the present resolution at its sixty-fourth session and to include in that report an analysis of the ways and means to promote the human rights of migrants, taking into account the views of the Special Rapporteur on the human rights of migrants, and decides to examine the question further under the item entitled 'Promotion and protection of human rights'".

144. At its 44th meeting, on 21 November, the Committee had before it a revised draft resolution entitled "Protection of migrants" (A/C.3/63/L.38/Rev.1), submitted by the sponsors of draft resolution A/C.3/63/L.38 and Afghanistan, Albania, Angola, Bangladesh, Belize, Bolivia, the Congo, the Gambia, Kenya, Mali, Mauritania, the

Niger, Saint Vincent and the Grenadines and Turkey. Subsequently, Burkina Faso, Cape Verde, the Central African Republic and Guinea-Bissau joined in sponsoring the draft resolution.

145. At the same meeting, the representative of Mexico orally revised the text as follows:

(a) In the eighth preambular paragraph, after the words "recalling the obligations of States reaffirmed therein", the remainder of the paragraph was deleted;

(b) In the eleventh preambular paragraph, after the words "Migration and Development", the words "as adopted" were inserted.

146. Also at the 44th meeting, the Committee adopted the draft resolution, as orally revised (see para. 182, draft resolution XVII).

147. After the adoption of the draft resolution, statements were made by the representatives of Venezuela (Bolivarian Republic of), France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) and the United States (see A/C.3/63/SR.44).

R. Draft resolutions A/C.3/63/L.39 and Rev.1 and amendments thereto contained in document A/C.3/63/L.78

148. At the 39th meeting, on 13 November, the representative of Mexico, on behalf of Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, the United States and Uruguay, introduced a draft resolution entitled "Protection of human rights and fundamental freedoms while countering terrorism" (A/C.3/63/L.39). Subsequently, Albania, Angola, Armenia, Benin, Cape Verde, Côte d'Ivoire, Cyprus, Iceland, Indonesia, Iraq, Montenegro, Nigeria, the former Yugoslav Republic of Macedonia and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the purposes and principles of the Charter of the United Nations,

"*Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

"*Recalling* the Universal Declaration of Human Rights,

"*Reaffirming further* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

"*Reiterating* the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights law and refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

"*Deeply deploring* the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee law and international humanitarian law,

"*Recognizing* that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

"*Noting with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures,

"*Stressing* that measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights law, international refugee law and international humanitarian law,

"*Recalling* article 30 of the Universal Declaration of Human Rights and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

"*Reaffirming its unequivocal condemnation* of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

"*Reaffirming* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

"*Noting* the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

"*Emphasizing* the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in the fight against terrorism,

"*Recalling* its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006 and 62/159 of 18 December 2007, Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, and other relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Council decision 2/112 of 27 November 2006 and resolution 7/7 of 27 March 2008,

"*Acknowledging* the work of the Human Rights Council in promoting respect for the protection of human rights and fundamental freedoms in the fight against terrorism,

"*Recognizing* the importance of the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006, and reaffirming its relevant clauses on measures to ensure respect for human rights for all, international humanitarian law and the rule of law as the fundamental basis for the fight against terrorism,

"*Recalling also* its resolution 62/272 of 5 September 2008, by which, after the first review of the implementation of the Global Counter-Terrorism Strategy, it called upon the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms while countering terrorism,

"1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

"2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance;

"3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;

"4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

"5. *Reaffirms* that counter-terrorism measures should be implemented in full consideration of the human rights of persons belonging to minorities and must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

"6. *Calls upon* States not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

"7. *Urges* States, while countering terrorism, to fully comply with their obligations in respect of torture and other cruel, inhuman or degrading treatment or punishment, in particular the absolute prohibition of torture;

"8. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

"9. *Calls upon* States to refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular human rights law, international humanitarian law and international refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened in violation of international refugee law on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

"10. *Also calls upon* States to ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly refugee law and human rights law, towards persons seeking international protection;

"11. *Urges* States, while countering terrorism, to ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights, and their obligations under the International Covenant on Civil and Political Rights and under the Geneva Conventions of 1949 and the Additional Protocols thereto, and the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in their respective fields of applicability;

"12. *Also urges* all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international law, including the review of the detention and, when subjected to trial, fundamental judicial guarantees;

"13. *Opposes* any form of deprivation of liberty that amounts to placing a detained person outside the protection of the law, and urges States to respect the safeguards concerning the liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law, including human rights law and international humanitarian law;

"14. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance in its resolution

61/177 of 20 December 2006, and recognizes that the entry into force of the Convention will be an important step in support of the rule of law in countering terrorism;

"15. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;

"16. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Human Rights Council and the relevant comments and views of United Nations human rights treaty bodies;

"17. *Calls upon* States to ensure that their laws criminalizing acts of terror and terrorism-related acts are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

"18. *Emphasizes* that targeted sanctions are a significant tool in countering terrorism and have a direct impact on targeted individuals and entities, recognizes the need to continue ensuring that fair and clear procedures are strengthened in order to enhance the efficiency and transparency of the United Nations targeted sanctions regime and in this regard welcomes the modifications introduced by the Security Council in its resolution 1822 (2008) of 30 June 2008, including the relevant provisions regarding the review of the Consolidated List, and encourages the Security Council and its Committee established pursuant to resolution 1267 (1999) to continue enhancing their efforts in support of these objectives, while taking into consideration further relevant and appropriate proposals;

"19. *Urges* States, while ensuring full compliance with their international obligations, to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

"20. *Takes note with appreciation* of the report of the Secretary-General and the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism submitted pursuant to resolution 62/159, and takes note of the recommendations and conclusions contained therein;

"21. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and other relevant special procedures and mechanisms of the Human Rights Council, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

"22. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

"23. *Requests* the Office of the High Commissioner and the Special Rapporteur to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the need to respect human rights while countering terrorism;

"24. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that entities of the United Nations system can better coordinate and enhance their support to Member States in their efforts to implement their obligations under international law, including international human rights law, international refugee law and international humanitarian law while countering terrorism;

"25. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights and fundamental freedoms while countering terrorism;

"26. *Acknowledges with appreciation* the cooperation between the Special Rapporteur and all other relevant procedures and mechanisms of the Human Rights Council as well as the United Nations human rights treaty bodies, and urges them to continue their cooperation, in accordance with their mandates, and to coordinate their efforts, where appropriate, in order to promote a consistent approach on this subject;

"27. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council dealing with the promotion and protection of human rights and fundamental freedoms while countering terrorism;

"28. *Calls upon* States to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

"29. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her in 2005, in resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

"30. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-fourth session;

"31. *Decides* to consider at its sixty-fourth session the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism."

149. At its 48th meeting, on 25 November, the Committee had before it a revised draft resolution (A/C.3/63/L.39/Rev.1), submitted by the sponsors of A/C.3/63/L.39 and Belarus, Bosnia and Herzegovina, Japan and the Russian Federation.

150. Also at the 48th meeting, the representative of Mexico orally revised the text, as follows:

(a) A new operative paragraph 2 was inserted under operative paragraph 2 which read as follows:

"*Expresses serious concern* at the occurrence of violations of human rights and fundamental freedoms in the context of countering terrorism;"

(b) Operative paragraph 18, which had read:

"18. *Emphasizes* that United Nations terrorism-related targeted sanctions are a significant tool in countering terrorism and have a direct impact on targeted individuals and entities, recognizes the need to continue ensuring that fair and clear procedures are strengthened in order to enhance the efficiency and transparency of the United Nations terrorism-related sanctions regime, and welcomes and encourages the Security Council's continued enhancement of efforts in support of these objectives, while taking into consideration relevant and appropriate proposals;

was replaced as follows:

"18. *Recognizes* the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the Security Council's continued enhancement of efforts in support of these objectives, while emphasizing the importance of these sanctions in countering terrorism;"

(c) A new operative paragraph was inserted after operative paragraph 26, which read as follows:

"*Requests* the Special Rapporteur, within the context of his mandate, to continue to make recommendations with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism;"

151. Subsequently, Australia, Egypt, the Gambia, the Republic of Moldova, Suriname and Ukraine joined in sponsoring the draft resolution.

Amendment contained in A/C.3/63/L.78

152. At its 48th meeting, the Committee had before it an amendment to draft resolution A/C.3/63/L.39/Rev.1 contained in document A/C.3/63/L.78, submitted by South Africa.

153. The representative of South Africa made a statement and, in view of the oral revisions made to the text of draft resolution A/C.3/63/L.39/Rev.1 by Mexico, withdrew the amendment contained in document A/C.3/63/L.78 (see A/C.3/63/SR.48).

154. Also at the same meeting, the Committee adopted draft resolution A/C.3/63/L.39/Rev.1, as orally revised (see para. 182, draft resolution XVIII).

155. After the adoption of the draft resolution, statements were made by the representatives of Cuba and the Syrian Arab Republic (see A/C.3/63/SR.48).

S. Draft resolution A/C.3/63/L.41

156. At the 38th meeting, on 6 November, the representative of Argentina, on behalf of Albania, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mexico, Monaco, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom, the United Republic of Tanzania, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "International Convention for the Protection of All Persons from Enforced Disappearance" (A/C.3/63/L.41). Subsequently, Bolivia, Cambodia, Cape Verde, Colombia, the Congo, Cyprus, the Dominican Republic, Haiti, Latvia, Liechtenstein, Mali, Mauritius, Mongolia, Montenegro, Morocco, the Republic of Korea, Senegal, Serbia, South Africa, Timor-Leste, Togo, Uganda and Ukraine also joined in sponsoring the draft resolution.

157. At its 44th meeting, on 21 November, the Committee adopted draft resolution A/C.3/63/L.41 (see para. 182, draft resolution XIX). After the adoption of the draft resolution, a statement was made by the representative of the United States (see A/C.3/63/SR.44).

T. Draft resolutions A/C.3/63/L.42 and Rev.1

158. At the 38th meeting, on 6 November, the representative of Cuba, on behalf of Angola, Armenia, Bahamas, Bahrain, Barbados, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Burkina Faso, Burundi, China, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, Indonesia, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Namibia, Nepal, the Niger, Nigeria, Pakistan, Panama, Peru, the Russian Federation, Saudi Arabia, Senegal, Serbia, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Timor-Leste, Uganda, Ukraine, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "The right to food" (A/C.3/63/L.42). Subsequently, Algeria, Belize, Bhutan, Botswana, Cambodia, Cameroon, Croatia, Djibouti, Gabon, Guyana, Hungary, Iran (Islamic Republic of), the Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Liechtenstein, Mauritius, Mozambique, Nicaragua, Oman, Qatar, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, South Africa, Suriname, the former Yugoslav Republic of Macedonia, the United Republic of Tanzania and Zambia joined in sponsoring the draft resolution, which read as follows:

"*The General Assembly*,

"*Reaffirming* all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

"*Recalling* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular Millennium Development Goal 1, eradicating extreme poverty and hunger by 2015,

"*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

"*Reaffirming* the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

"*Reaffirming also* the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

"*Bearing in mind* paragraph 6 of its resolution 60/251 of 15 March 2006,

"*Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

"*Reaffirming also* that a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

"*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

"*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

"*Recognizing* the complex character of the worsening of the current global food crisis, which threatens to violate the right to adequate food on a massive scale,

"*Deeply concerned* that environmental degradation, desertification and global climate change are exacerbating destitution and desperation and that the

lack of the technology necessary to confront their impact, particularly in developing countries and the least developed countries, is having a negative impact on the realization of the right to food, in particular in developing countries,

"*Expressing its deep concern* at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

"*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

"*Recognizing* the role of the Food and Agriculture Organization of the United Nations as the United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries,

"*Taking note* of the final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Porto Alegre, Brazil, on 10 March 2006,

"1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

"2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

"3. *Considers it intolerable* that more than 6 million children still die every year from hunger-related illness before their fifth birthday and that the number of people who are undernourished has grown to about 923 million worldwide, and that, while the prevalence of hunger is more striking, in particular after the global food crisis, the planet could produce enough food to feed 12 billion people, twice the world's present population;

"4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases and that it is estimated that almost twice as many women as men suffer from malnutrition;

"5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves and their families;

"6. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

"7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

"8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

"9. *Stresses* that comprehensive solutions to the external debt problem, as well as increasing the market access of developing countries and improving access to productive resources and public investment in rural development, are essential elements for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

"10. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes, that agricultural policies are important tools for promoting land and agrarian reform, rural credit, technical assistance, access to land, water, seeds and other natural resources and associated measures to achieve food security and rural development, and that support by States for small farmers, fishing communities and local enterprises is a key element for food security and the provision of the right to food;

"11. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

"12. *Urges* Member States to promote and protect all human rights of indigenous peoples in accordance with international human rights instruments and the United Nations Declaration on the Rights of Indigenous Peoples, acknowledges that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

"13. *Recognizes* that food sovereignty is important for achieving food security and realizing the right to food for all peoples at all times;

"14. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

"15. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger;

"16. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

"17. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Development Round negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

"18. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

"19. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

"20. *Recognizes* that the commitment made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

"21. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

"22. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

"23. *Stresses* the importance of international development cooperation and assistance, in particular in activities related to emergency situations, including those resulting from natural disasters, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

"24. *Stresses* that the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should be reconciled with the requirements of food security, conservation and the sustainable use of biological diversity, and urges Member States to ensure that the implementation of the Agreement remains fully compatible with their obligation to promote and protect the right to food, including the right of farmers to produce food under conditions that ensure an adequate standard of living;

"25. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

"26. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

"27. *Takes note* of the interim report of the Special Rapporteur on the right to food, and welcomes the work and commitment of the first mandate-holder to achieving the realization of the right to food;

"28. *Supports* the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 6/2;

"29. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

"30. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

"31. *Recalls* General Comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;

"32. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

"33. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

"34. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

"35. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-fourth session on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

"36. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

"37. *Decides* to continue the consideration of the question at its sixty-fourth session under the item entitled 'Promotion and protection of human rights'."

159. At its 46th meeting, on 24 November, the Committee had before it a revised draft resolution entitled "The right to food" (A/C.3/63/L.42/Rev.1), submitted by the sponsors of A/C.3/63/L.42 and Albania, Andorra, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Chad, the Central African Republic, the Comoros, Cyprus, France, Germany, Grenada, Guinea-Bissau, Ireland, Italy, Jamaica, Japan, Jordan, Montenegro, Nauru, Norway, Papua New Guinea, Portugal, the Republic of Moldova, Romania, Saint Lucia, Saint Kitts and Nevis, Samoa, San Marino, Slovenia, Solomon Islands, Somalia, Spain, Tajikistan, Thailand, Trinidad and Tobago, Turkmenistan, Tuvalu and Ukraine.

160. At the same meeting, the representative of Cuba orally revised the draft resolution as follows:

(a) In the eleventh preambular paragraph, the words "to be violated" were inserted after the words "food is threatened";

(b) A seventeenth preambular paragraph was inserted, which read as follows:

"*Acknowledging* the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-

General in continuing his efforts in this regard, including the continued engagement with Member States and the Special Rapporteur on the right to food;"

(c) In operative paragraph 14, after the words "concepts such as," the words "inter alia" were inserted;

(d) Operative paragraph 25, which read:

"25. *Also stresses* that the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should be implemented in a manner that is supportive of food security and fully compatible with the obligation to promote and protect the right to food, while reiterating the commitment of States parties to that agreement;

was replaced by:

"25. *Also stresses* that States parties to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner supportive of food security, while mindful of the obligation of Member States to promote and protect the right to food;

(e) In operative paragraph 32, after the words "of the Committee" the words "Economic, Social and Cultural Rights" were inserted.

161. Subsequently, Afghanistan, Antigua and Barbuda, Cyprus, the Democratic People's Republic of Korea, Dominica, the Dominican Republic, Cape Verde, Chile, the Congo, Greece, Luxembourg, Malaysia, Maldives, Myanmar, the Philippines, the Republic of Korea, Switzerland, Togo, Turkey, the United Arab Emirates and Yemen joined in sponsoring the draft resolution (see A/C.3/63/SR.46).

162. Also at the 46th meeting, the Committee adopted draft resolution A/C.3/63/L.42/Rev.1, as orally revised, by a recorded vote of 180 to 1 with no abstentions (see para. 182, draft resolution XX). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway,

Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

163. After the adoption of the draft resolution, statements were made by the representatives of the United States, the United Kingdom, Canada, Guatemala, Switzerland, Malaysia, France (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) Finland and Colombia (see A/C.3/63/SR.46).

U. Draft resolution A/C.3/63/L.43

164. At the 38th meeting, on 6 November, the representative of Cuba, on behalf of Belarus, Bolivia, Cuba, Ecuador, El Salvador, Ethiopia, Honduras, the Libyan Arab Jamahiriya, the Sudan and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification" (A/C.3/63/L.43). Subsequently, Angola, the Philippines and Zimbabwe joined in sponsoring the draft resolution.

165. At the 43rd meeting, on 20 November, the representative of Cuba made a statement (see A/C.3/63/SR.43).

166. Also at the 43rd meeting, the Committee adopted draft resolution A/C.3/63/L.43, by a recorded vote of 118 to 3, with 60 abstentions (see para. 182, draft resolution XXI). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal,

Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland.

167. Before the vote, the representative of the United States made a statement; after the vote, statements were made by the representatives of Mexico and the Philippines (see A/C.3/63/SR.43).

V. Draft resolution A/C.3/63/L.44

168. At the 38th meeting, on 6 November, the representative of Cuba, on behalf of Angola, Belarus, Bolivia, Burundi, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Honduras, the Libyan Arab Jamahiriya, Nicaragua, Pakistan, the Russian Federation, the Sudan, the Syrian Arab Republic, Uganda, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe introduced a draft resolution entitled "Promotion of a democratic and equitable international order" (A/C.3/63/L.44). Subsequently, Algeria, Bangladesh, Benin, Burkina Faso, Cameroon, Chad, the Democratic People's Republic of Korea, El Salvador, Indonesia, Iran (Islamic Republic of), Jamaica, Lebanon, Lesotho, Malaysia, Myanmar, Namibia, Nigeria, Sierra Leone, Solomon Islands, South Africa, Swaziland and Zambia joined in sponsoring the draft resolution.

169. At its 44th meeting, on 21 November, the representative of Cuba made a statement and orally revised the draft resolution as follows:

(a) After the sixth preambular paragraph, a new preambular paragraph was inserted, which read:

"*Stressing* that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,"

(b) In the fourteenth preambular paragraph, the words "of the worsening" were deleted.

(c) After the fifteenth preambular paragraph, a new preambular paragraph was inserted which read:

"*Stressing also* the need for adequate financing of and technology transfer to developing countries, in particular the landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change."

170. Also at the 44th meeting the representative of France (on behalf of the European Union and associated countries), made a statement (see A/C.3/61/SR.44).

171. At the same meeting, the Committee adopted draft resolution A/C.3/63/L.44 by a recorded vote of 120 to 52, with 7 abstentions (see para. 182, draft resolution XXII). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Mexico, Peru, Timor-Leste, Vanuatu.

172. After the vote, the representative of Uzbekistan made a statement regarding the vote of his country (see A/C.3/63/SR.44).

W. Draft resolution A/C.3/63/L.45

173. The Committee considered draft resolution A/C.3/63/L.45, entitled "Equitable geographical distribution in the membership of the human rights treaty bodies" under sub-items 64 (a) and 64 (b) at its 38th and 43rd meetings on 6 and 20 November.

174. For action taken on the draft resolution and the recommendation of the Third Committee, see A/63/430/Add.1, paragraphs 12 to 15 and paragraph 17, draft resolution II.

X. Draft resolutions A/C.3/63/L.46 and Rev.1

175. At the 43rd meeting, on 20 November, the representative of New Zealand, on behalf of Andorra, Chile, Colombia, France, Liechtenstein, New Zealand, Norway, Qatar, Switzerland and Uruguay, introduced a draft resolution entitled "Committee on the Rights of the Child" (A/C.3/63/L.46). Benin, Côte d'Ivoire, the Dominican Republic, Guatemala, Haiti, Honduras, Panama, the Republic of Korea, Senegal and the United Republic of Tanzania joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the Convention on the Rights of the Child and the Optional Protocols to the Convention,

"*Welcoming* the work of the Committee on the Rights of the Child in examining the progress made by States parties to the Convention on the Rights of the Child and the Optional Protocols thereto in implementing the obligations undertaken in the Convention, and the Optional Protocols,

"*Taking note* of the report of the Secretary-General on the status of the Convention on the Rights of the Child,

"*Noting* the proposal of the Committee regarding its working methods,

"1. *Takes note* of the report of the Committee on the Rights of the Child and the decision taken by the Committee at its forty-eighth session to request approval from the General Assembly to meet in parallel chambers so as to facilitate the effective and timely implementation of its responsibilities under article 44 of the Convention on the Rights of the Child, and articles 8 and 12 of its Optional Protocols;

"2. *Notes*, while welcoming the entry into force of the Optional Protocols, that a backlog of more than 80 reports exists, related to the submission by States parties of their initial reports under the Optional Protocols in conformity with their obligations, and that, if this backlog is not addressed, it will impede the ability of the Committee to consider reports in a timely manner;

"3. *Expresses its appreciation*, in light of this temporary and exceptional increase in the number of reports before the Committee, for the efforts of the Committee to reform its working methods so as to consider the reports of States parties in a timely manner, including its proposal, as an exceptional and temporary measure, to work in two chambers, taking due account of equitable geographical distribution, for a period of two years, in order to clear the backlog of reports;

"4. *Decides*, as an exceptional and temporary measure, to authorize the Committee to meet in parallel chambers, of nine members each, for 10 working days during each of its three regular sessions and for five working days during the weeks of its pre-sessional meetings between October 2009 and January 2011;

"5. *Requests* the Committee, when sitting in chambers, to take due account of equitable geographical distribution and gender balance among Committee members;

"6. *Urges* States parties to comply fully with their obligations under the Convention and the Optional Protocols thereto and to give serious consideration to the concluding comments as well as the general recommendations of the Committee on the Rights of the Child;

"7. *Urges* the Committee to intensify its efforts to review its working methods in order to further enhance the efficiency and quality of its proceedings, with the aim of achieving timely consideration of reports submitted by States parties, and requests the Committee to review and assess its progress made after two years, taking into account the wider context of treaty body reform."

176. At its 48th meeting, on 25 November, the Committee had before it a revised draft resolution entitled "Committee on the Rights of the Child" (A/C.3/63/L.46/Rev.1), submitted by the sponsors of A/C.3/63/L.46. Subsequently, Albania, Argentina, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, Germany, Ghana, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Italy, Jordan, Kazakhstan, Latvia, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Montenegro, the Netherlands, Nigeria, Paraguay, Portugal, the Republic of Moldova, Romania, Slovenia, Spain, Suriname, Sweden, Thailand and Turkey joined in sponsoring the draft resolution.

177. At the same meeting, the representative of New Zealand orally revised operative paragraph 2, by replacing the word "four" before the words "regular sessions" by the word "three" and by replacing the date "January 2011" by the date "October 2010".

178. Also at the 48th meeting, the attention of the Committee was drawn to a statement of programme budget implications on draft resolution A/C.3/63/L.46, contained in document A/C.3/63/L.61.

179. At the same meeting, the Secretary of the Committee made an oral statement in connection with the revised draft resolution; statements were also made by the representatives of Chile and Mexico (see A/C.3/63/SR.48).

180. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/63/L.46/Rev.1, as orally revised, without a vote (see para. 182, draft resolution XXIII).

181. After the adoption of the draft resolution, statements were made by the representatives of Cuba, the United States, Venezuela (Bolivarian Republic of) and Japan (see A/C.3/63/SR.48).

III. Recommendations of the Third Committee

182. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Moratorium on the use of the death penalty

The General Assembly,

Reaffirming its resolution 62/149 of 18 December 2007 on the moratorium on the use of the death penalty,

Welcoming the decisions taken by an increasing number of States to apply a moratorium on executions and the global trend towards the abolition of the death penalty,

1. *Welcomes* the report of the Secretary-General on the implementation of resolution 62/149,[1] and the conclusions and recommendations contained therein;

2. *Requests* the Secretary-General to provide a report on progress made in the implementation of resolution 62/149 and the present resolution, for consideration during its sixty-fifth session, and calls upon Member States to provide the Secretary-General with information in this regard;

3. *Decides* to continue consideration of the matter at its sixty-fifth session under the item entitled "Promotion and protection of human rights".

[1] A/63/293.

Draft resolution II

The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

The General Assembly,

Reaffirming its commitment to the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Reaffirming also the commitment of Member States, in accordance with the Charter of the United Nations, to promote and ensure the respect of human rights and fundamental freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling further the Principles relating to the status of national institutions for the promotion and protection of human rights, welcomed by the General Assembly in its resolution 48/134 of 20 December 1993 and annexed thereto,

Recognizing the role of the existing Ombudsman, whether a male or female, mediator and other national human rights institutions in the promotion and protection of human rights and fundamental freedoms,

Underlining the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions, where they exist, in order to enable them to consider all issues related to the field of their competences,

Considering the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, as well as improving their relations with citizens, and in strengthening the delivery of public services,

Considering also the important role of the existing Ombudsman, mediator and other national human rights institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Stressing that these institutions, where they exist, can have an important role in advising the Government with respect to bringing national legislation and national practices in line with their international human rights obligations,

Stressing also the importance of international cooperation in the field of human rights and recalling the role played by regional and international associations of the Ombudsman, mediator and other national human rights institutions in promoting cooperation and sharing best practices,

1. *Encourages* Member States:

(a) To consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions;

(b) To develop, where appropriate, mechanisms of cooperation between these institutions, where they exist, in order to coordinate their action, strengthen their achievements and enable the exchange of lessons learned;

[1] Resolution 217 A (III).

2. *Also encourages* Member States:

(a) To consider conducting communication campaigns, with other relevant actors, in order to enhance public awareness on the importance of the role of the Ombudsman, mediator and other national human rights institutions;

(b) To give serious consideration to implementing the recommendations and proposals of their Ombudsman, mediator and other national human rights institutions, with the aim of addressing claims of the complainants, consistent with the principles of justice, equality and rule of law;

3. *Requests* the Secretary-General to report on the implementation of the present resolution at the sixty-fifth session of the General Assembly;

4. *Decides* to consider this issue at its sixty-fifth session.

Draft resolution III
Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993[1] and its subsequent resolutions in this regard, and Human Rights Council resolution 6/20 of 28 September 2007,[2]

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level, and that the Office intends to establish new regional offices,

1. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

2. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions;

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[1] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[2] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.